

EPA Region III

Office of Public Affairs

EARLY BIRD HEADLINES

Thursday, February 2, 2012

*** MORNING HOT LIST ***

U.S. EPA Says New Data Motivated More Testing of Dimock Wells

BLOOMBERG BUSINESS NEWS The U.S. was “compelled to intervene” and test water in Dimock, Pennsylvania, after data from Cabot Oil & Gas Corp. showed hazardous substances in drinking-water sources, the Environmental Protection Administration said. The explanation was in a Jan. 31 letter from Mathy Stanislaus, EPA assistant administrator for solid waste and emergency response, and Shawn Garvin, an agency regional administrator, to Dan Dinges, Cabot’s chief executive officer. Dinges had said the EPA’s decision to test 60 wells and provide water to four homes in the area caused confusion and undercut President Barack Obama’s stated commitment to natural-gas drilling. “We did not take this step lightly but felt compelled to intervene when we became aware of monitoring data, developed largely by Cabot, indicating the presence of several hazardous substances in drinking-water samples, including some at levels of health concern,” according to the letter, which the EPA provided to Bloomberg News. “Our actions have been only guided by science.” Garvin and Stanislaus said the data available is “incomplete and of uncertain quality,” warranting further testing. Dimock residents claim that hydraulic fracturing, or fracking, by Cabot (COG) polluted their water wells and have sued the Houston-based company in federal court. Cabot disputes the allegations. The drilling technique involves injecting millions of gallons of chemically treated water underground to shatter rock and let gas flow. In a Jan. 26 letter to the EPA, Dinges said the agency had presented “no credible evidence to suggest that its new sampling initiative is a wise use of resources.” Cabot had provided more than 10,000 pages of data based on testing at more than 2,000 wells in the Dimock area, Dinges said. Later, in a statement, the company said the information that prompted the EPA’s review doesn’t “accurately represent the water quality.” On Dec. 6, 2011, residents presented additional information to the agency, including results from Cabot testing, that “warranted further evaluation of the situation,” Garvin and Stanislaus wrote. They said the EPA operated as a critical backstop to state oversight and would use its authority “prudently and sparingly.”

'GasLand' filmmaker arrested at House hearing

USA TODAY The director of the Oscar-nominated anti-"fracking" documentary *GasLand* was arrested at a House hearing on hydraulic fracturing because he did not have media credentials, according to news reports from Capitol Hill. Joshua Fox, of Milanville, Pa., was charged with lawful entry. He is working on a sequel to *GasLand* and was setting up to film the House Science, Space and Technology subcommittee on energy and the environment hearing, which was examining the science behind the Environmental Protection Agency's draft report about possible water contamination from natural gas drilling in Pavillion, Wyo., involving hydraulic fracturing, or fracking. As he was led away in handcuffs, Fox shouted, "I'm within my First Amendment rights, and I'm being taken out," *Politico* reports. An ABC News crew was also turned away from the hearing, titled "Fractured Science — Examining EPA's Approach to Ground Water Research: The Pavillion Analysis." The

committee recessed for 30 minutes after Rep. Brad Miller (D-N.C.) asked to suspend the committee rules and allow Fox and the ABC crew to film the hearing. When it returned, the committee tabled Miller's motions, *Politico* says. In a statement, committee Republicans said their rules state, "Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries." They added that Fox "was not accredited by the House Radio and TV Gallery and had refused to turn off his camera upon request by Capitol Police." The Western Energy Alliance, which lobbies for the oil-and-gas industry, has challenged what it calls "deficiencies" in the EPA's initial findings, which were raised by the state of Wyoming. One of its executives testified at today's hearing.

Corbett reasserts position on drilling consistency

PITTSBURGH POST GAZETTE HARRISBURG -- Gov. Tom Corbett is reinforcing his position that local rules for natural-gas drillers need to be more uniform across the state, and now is speaking favorably of the proposal to do so that passed the House and Senate late last year. With lawmakers aiming to vote on a compromise Marcellus bill as soon as next week, the governor penned a letter to all 253 members, calling it "paramount" that the measure address variations in local zoning ordinances. He stated that 145 oil and gas ordinances have been adopted in 115 Pennsylvania towns, and he argues that the most restrictive of those -- a reference to complete bans, like Pittsburgh's -- are "depriving citizens of jobs, income and enjoyment of their own property rights." While his administration had circulated language that called for state rules to supersede all local ordinances, he describes the softer approach, like the one in the pending Marcellus bills, as a generally acceptable solution to the issue. Both chambers have approved provisions that would allow the state attorney general to determine whether a town's ordinance is reasonable, based on certain statewide guidelines. "It seeks to balance the state's prerogative to establish and enforce environmental standards with the proper function of local zoning, ensuring that one industry is not given special -- or unfair -- treatment," Mr. Corbett wrote.

Bristling local governments oblige state in Chesapeake Bay cleanup effort

STAUNTON NEWS LEADER Some Virginia counties and cities scrambled to meet Wednesday's state deadline for plans outlining efforts to clean up Chesapeake Bay, citing a lack of resources and uncertainty about what state officials want. Local governments had to submit their plans to help Virginia hit targets the U.S. Environmental Protection Agency set for reducing the flow of phosphorous, nitrogen and sediment into the bay. Virginia has until March 30 to complete a statewide plan to meet their bay cleanup obligations by 2025, including meeting two-year pollution reduction benchmarks — a plan known as the Phase Two Watershed Implementation Plan. "Not many localities know what the expectations are. That's one of the confusions that's still out there," said Bath County Administrator Matt Walker. "It's difficult to come up with a plan when you don't know what the expectations are." "We have been working with local governments since well back into the summer and into the spring, but in the middle of it was a lot of discussion with the EPA," said Virginia Department of Conservation and Recreation spokesman Gary Waugh. "There's been some confusion there in all honesty." DCR renewed an earlier request for help from local governments in November, asking for a draft plan that included what has been done to reduce water pollution already and what more can be done and what resources will be needed going forward, Waugh said.

House approves federal salary freeze

WASHINGTON POST House lawmakers voted Wednesday night to freeze their pay and the salaries of congressional staffers and civilian federal employees, scoring a symbolic victory for congressional Republicans who have targeted government compensation as an example of excessive federal spending. On a vote of 309 to 117, GOP supporters scored the two-thirds majority needed to approve the measure under a suspension of normal procedural rules. The bill, introduced by Rep. Sean Duffy (R-Wis.), would extend the current two-year freeze on federal cost-of-living raises for an additional year starting next January. Lawmakers haven't raised congressional

pay in four of the last six years. The bill would need Senate approval before becoming law. In advance of the vote, Republicans touted a Congressional Budget Office report published Monday that said federal employees on average earn about 2 percent more than private-sector employees in comparable professions. When pension and health benefits are factored in, the CBO said, federal employees earn about 16 percent more in total compensation. With those numbers in mind, "the federal government has no incentive or obligation to reduce salaries in order to be competitive to stay in business," Rep. Dennis A. Ross (R-Fla.), who chairs the House subcommittee on federal personnel, said before the vote. "It simply borrows more money or raises taxes." But Rep. Elijah E. Cummings (D-Md.), ranking member on the House committee that oversees federal personnel issues, said federal employees have already sacrificed to help pay down the federal deficit by enduring a two-year federal pay freeze ordered by President Obama in 2010. The freeze is set to save taxpayers \$60 billion in the next decade, Cummings said. "This bill appears to be a disingenuous and disrespectful attack against federal workers," Cummings said

Endangered fish could affect Delaware dredging

PHILADELPHIA INQUIRER It lives at the bottom of the river. It's ancient and ugly - often described as a dinosaur with fins. And although it once made the region the caviar capital of the world, the Atlantic sturgeon is being declared an endangered species, a decision that could affect the Delaware River deepening project. No one is saying the sturgeon will become the snail darter of the Delaware. Officials from the National Oceanic and Atmospheric Administration's Fisheries Service, which is making final the endangered listing, and the Army Corps of Engineers say the fish does not have the power to scuttle the project. But they concede that schedules might have to change or other alterations be made to accommodate the spectacularly picky sturgeon, which will spawn only in certain areas. "We are concerned about dredging and the impacts on the species," said NOAA's Kim Damon-Randall, supervisory fishery biologist. One of the agency's documents said the scope of the project, plus the ample unknowns about the fish's preferred spawning habitat, "indicate that the project could be very harmful" to the sturgeon. In anticipation of the listing, the Army Corps has already been working with federal fisheries officials, said spokesman Ed Voigt. "As we move forward, we're coordinating . . . to ensure that with each step of the project, we avoid impacts to the Atlantic sturgeon and other species." But, he said, "there's no reason to expect some kind of change is going to transform the cost and scope of the project." Maya van Rossum, the Delaware Riverkeeper, disagreed. She said the listing should "have significant ramifications" for the deepening project. If it does not, the Delaware Riverkeeper Network is "well positioned for a very strong legal case."

Rigell steps up pressure to allow offshore drilling

NORFOLK VIRGINIAN PILOT Virginia lawmakers in Washington again are pushing for oil and natural gas drilling off the state's coast, especially after President Barack Obama announced he wants more domestic production of fossil fuels on land and beneath the Gulf of Mexico. U.S. Rep. Scott Rigell, R-Virginia Beach, intends to introduce legislation this week that would force the Department of the Interior to sell leases to energy companies wanting to drill for oil and gas at least 50 miles off the Virginia coast. The bill calls for leasing to begin within one year of passage. Last year, after the record Deepwater Horizon oil spill off the Gulf coast, Obama canceled plans for offshore drilling on the Outer Continental Shelf off Virginia. The move was applauded by environmentalists worried about potential spills but was criticized by Gov. Bob McDonnell and most Virginia legislators on Capitol Hill eager to create jobs and spur economic activity. Rigell's bill is similar to one proposed last summer by Virginia's U.S. senators, Jim Webb and Mark Warner, a measure that remains bogged down in the Senate Committee on Energy and Natural Resources. The two Democrats last week sent a letter to Interior Secretary Ken Salazar, urging him to include Virginia in the latest plans for offshore drilling leases during 2012-2017. Both bills seek more royalties for Virginia than the current revenue-sharing plan in Congress, which gives all the money to the federal government. Half the proceeds would go to Virginia, according to the bills, with a portion set aside for environmental programs.

Pa. groundhog 'predicts' 6 more weeks of winter

ASSOCIATED PRESS PUNXSUTAWNEY, Pa. — Pennsylvania's famous groundhog Punxsutawney Phil has emerged from his lair and saw his shadow, in the process predicting six more weeks of winter. But, at this rate, that might not be so bad. The groundhog made his "prediction" on Gobbler's Knob, a tiny hill in the town for which he's named about 65 miles northeast of Pittsburgh. Temperatures were near freezing when he emerged at dawn — unseasonably warm — and are forecast to climb into the mid-40s in a winter that's brought little snow and only a few notably cold days to much of the East. Thursday's ceremony is largely that: Phil's prediction is determined ahead of time by the Inner Circle, a group which dons top hats and tuxedos and decides in advance what the groundhog will predict.

PENNSYLVANIA

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Capsules of radium found at a Norristown waste station When a load of construction debris set off radiation alarms at a waste station in Norristown, an investigation revealed a rare find: an antique medical kit containing four capsules of radium. State officials said Tuesday they were searching for the kit's owner, lest the person be suffering any ill effects from the radioactive material. The radium capsules together weigh one gram and were safely contained in a lead-lined box, according to the Department of Environmental Protection. But if someone handled the capsules, which are in the form of radium-226, the radiation could burn the skin, said David Allard, director of the agency's Bureau of Radiation Protection. Even if someone were to open the box for an hour without touching the capsules, the resulting radiation exposure would be equivalent to having 100 CT scans, Allard said. The load of debris that contained the medical kit was traced to a work site at the Hershey's Mill retirement community in West Chester, officials said. But it is unclear how the kit got there. The kit set off alarms at a Norristown transfer station owned by Waste Management Inc. State officials estimate the kit is more than 80 years old, when radium was commonly used in medical treatment.

For second consecutive day, temperatures in area hit 60s On the eve of Groundhog Day, the temperatures in the region were perfectly normal - for an April 25 in Philadelphia, or for a Feb. 1 in Los Angeles. For the second consecutive day, temperatures rocketed into the 60s, peaking at 67 at Philadelphia International Airport. While that

was shy of the record high, 70, set in 2002, the overnight "low" of 47 represented the highest minimum temperature for a Feb. 1 in Philadelphia - by plenty. The old standard was 42, set way back in 1916.

PITTSBURGH POST-GAZETTE

Corbett reasserts position on drilling consistency HARRISBURG -- Gov. Tom Corbett is reinforcing his position that local rules for natural-gas drillers need to be more uniform across the state, and now is speaking favorably of the proposal to do so that passed the House and Senate late last year. With lawmakers aiming to vote on a compromise Marcellus bill as soon as next week, the governor penned a letter to all 253 members, calling it "paramount" that the measure address variations in local zoning ordinances. He stated that 145 oil and gas ordinances have been adopted in 115 Pennsylvania towns, and he argues that the most restrictive of those -- a reference to complete bans, like Pittsburgh's -- are "depriving citizens of jobs, income and enjoyment of their own property rights." While his administration had circulated language that called for state rules to supersede all local ordinances, he describes the softer approach, like the one in the pending Marcellus bills, as a generally acceptable solution to the issue. Both chambers have approved provisions that would allow the state attorney general to determine whether a town's ordinance is reasonable, based on certain statewide guidelines. "It seeks to balance the state's prerogative to establish and enforce environmental standards with the proper function of local zoning, ensuring that one industry is not given special -- or unfair -- treatment," Mr. Corbett wrote.

90-mile pipeline planned for Marcellus Shale gas NiSource Inc. plans to build a 90-mile, \$145 million pipeline through Western Pennsylvania to get gas extracted from the Marcellus Shale to market, the Indiana-based firm announced Wednesday. The company, which owns Canonsburg-based Columbia Gas, did not disclose details on the location or the shale producer that's already signed on as a client.

Texas law requires disclosure of drilling cocktails Texas has more gas drilling than any other state and on Wednesday it started requiring drillers to release the list of chemicals used on each well -- everything from the tetrakis hydroxymethyl-phosphonium sulfate that eliminates bacteria in water to the formic acid used to prevent pipe corrosion. Those are just two of the 59 chemicals commonly used to hydraulically fracture, or "frack," shale rock and allow the gas to escape. The makeup of fracking fluid has grown into one of the most controversial aspects of drilling, with some firms saying the mixture is a proprietary "trade secret" and critics saying that silence proves the fluid's culpability in contaminating water supplies. The industry, meanwhile, says most of its members have embraced such rules all along. Chemicals used in Texas will be listed on FracFocus.org, a website launched by the Ground Water Protection Council and Interstate Oil and Gas Compact Commission, and already used and endorsed by a majority of the drillers operating in Pennsylvania. FracFocus.org has been collecting such lists since April, but the Texas rule -- enacted on the same day the U.S. House Science Committee heard testimony on possible contamination by fracking -- gave legislative muscle to a part of the drilling process that has come to symbolize much more. "With this new rule, Texans will know more about what is going on in the ground for energy production than about the ingredients that go into their sodas," said Elizabeth Ames Jones, chairman of the Texas Railroad Commission that introduced the rule.

PITTSBURGH TRIBUNE REVIEW

Corbett urges legislative leaders to limit what towns can require of gas drillers With a multi-billion-dollar project in the balance for Pennsylvania, Gov. Tom Corbett wrote legislative leaders this week to insist they pass limits on local control of the oil and gas industry. It's "paramount" that any oil and gas law reform bills bring uniform standards for when and where drilling can happen in the state, Corbett wrote Tuesday to six top lawmakers from both parties. The 145 approved or pending local oil and gas ordinances, many of which ban drilling, or create noise and space restraints so stiff that they essentially ban drilling, could discourage businesses, he wrote. "As you know well, Pennsylvania is currently engaged in efforts to attract significant outside capital investment to develop (Marcellus shale gas) -- investment which means thousands of well-paying jobs and plentiful and affordable feedstock for our plastics and chemical manufacturers," Corbett wrote in the letters his staff released today. "We cannot afford to lose these opportunities." The state has a long-standing tradition of local land-use rights, and the

drilling industry shouldn't receive special exemptions from that, said Jonathan Kamin, the solicitor for South Fayette in a court case challenging its drilling rules. State lawmakers are starting to realize that and turn against Corbett's proposal under pressure from municipal officials, said Brian Coppola, supervisor in Robinson, Washington County. Though the state's current oil and gas law puts the state in charge of most aspects of drilling, state courts have affirmed that municipalities do have some control over where and when drill work can happen. Under the new proposal, given preliminary approval this fall by the state House and Senate, it would be allowed everywhere statewide, including residential zones, except within 300 feet of a house.

LANCASTER NEWSPAPERS

Plans unveiled to redo intersection in Lancaster city Jenni Ferris is fortunate. Her home on Lancaster city's East Walnut Street has off-street parking. Her neighbors have not been so lucky. Within the last few years they have had two vehicles struck on different occasions while parked along the busy street. But city plans for rebuilding the intersection of East Walnut and North Plum streets, unveiled Wednesday evening, promise to improve traffic safety and much more. Ferris said she thought the plans were "fantastic." "They're improving safety. It's going to improve the neighborhood and, in a small way, improve the environment," she said. At a neighborhood meeting at Lancaster Brewing Company, which overlooks the intersection, more than a dozen residents and business people were shown a pair of concept proposals. Both proposals call for eliminating the merge lane from southbound Plum Street onto westbound Walnut Street. That lane, along the south side of the brewpub, is separated by a concrete island from Walnut Street. The island also would be removed.

DELAWARE COUNTY DAILY TIMES

A sad anniversary of one deadly fire Thirty-four years ago today, the Eastern Rubber Reclaiming Co. in Chester's West End erupted into a toxic inferno. Nearly 200 firefighters, police officers and EMS workers rushed to the scene, completely unaware that the 3-acre site had surreptitiously been used as an illegal industrial waste storage and disposal facility. They thought they were battling a huge recycled-tire fire. Bonnie Baldwin Healy, then a staff writer for the Daily Times, described the black plumes that rose from the plant that day and forced officials to close down the Commodore Barry Bridge. "The fierce fire was fed by highly flammable materials, including rubber, oily paints and chemical solvents, which exploded at least three times into red pillars stretching toward the bridge," Healy wrote from the scene. Firefighters stood thigh-deep in hazardous chemicals, including polychlorinated biphenyls (PCBs), acids and cyanide salts, trying to extinguish the flames as 55-gallon drums exploded around them. By the time the fire was under control, more than a day later, the damage had already been done. The dump's owner, Melvin Wade, a former bail bondsman who once claimed he was Chester's richest black businessman, was convicted in August 1980 of risking a catastrophe, failing to prevent a catastrophe and violation of the state Clean Streams Act by polluting the Delaware River. He was fined \$30,000 and sentenced to serve one to two years in county prison. He was acquitted of intentionally and recklessly causing a catastrophe — claiming he didn't know what deadly chemicals were lurking inside the drums he was being paid \$1.50 a barrel to store.

HARRISBURGH PATRIOT NEWS

Corbett tells legislators to send him a Marcellus Shale bill 'as soon as possible' Gov. Tom Corbett sent a letter to legislative leaders in both houses Tuesday urging them to send him a Marcellus Shale bill soon. The House and Senate passed separate bills late last year, and a conference committee is supposed to be hammering out a compromise. Corbett's budget address is scheduled for Tuesday, Feb. 7. The letter also appears to offer gubernatorial cover for one of the more controversial aspects of the legislation. One of the sticking points is an industry desire for uniform local regulations. Anti-drilling activists and local government advocates both oppose aspects of that proposal, which they say unduly limits local control. Corbett's letter says it is "paramount" the final legislation have uniform standards "that balance the high regard we have for local governance in Pennsylvania with the predictability and consistency any business needs to grow and thrive." Corbett said the legislation under consideration "does not embrace total preemption" of local ordinances, but rather gives local governments "considerable discretion to impose conditions, requirements and limitations" on the natural gas industry. Local governments would not, however, be able to ban drilling outright — which some have already done. "I urge you to

complete this work as soon as possible,” Corbett wrote, “and deliver a responsible, balanced bill to my desk of which we can all be proud.

SCRANTON TIMES-TRIBUNE

Judge rules Cabot lawyers can stay A federal judge has decided not to disqualify attorneys for Cabot Oil and Gas Corp. from representing the natural gas driller in a contamination case brought by Dimock Twp. families because the lawyers briefly represented a family whose water well was impacted by the driller's operations at the same time. In a ruling Tuesday, Judge John E. Jones III said the issue became moot when the Maye family hired new lawyers after the plaintiffs' attorneys raised concerns about what they called "a tremendous appearance of impropriety." The Maye family is one of 19 Dimock families whose methane-tainted well water the state attributed to faulty Cabot gas wells. The Mayes accepted bottled drinking water, a water-treatment system and twice the tax-assessed value of their home under the terms of a December 2010 settlement between the state and Cabot. Cabot paid for its attorneys, from the firm Fulbright & Jaworski, to represent the Mayes as the family sought to block a subpoena from the Dimock plaintiffs beginning in October. Judge Jones said that "it is clear that an actionable conflict of interest likely existed" when Fulbright & Jaworski represented Cabot and the Mayes, but the plaintiffs failed to show why Fulbright's withdrawal as the Mayes' attorney "does not entirely remedy" the issue. "We will venture a guess that if it had this all to do over again, Fulbright might have declined Mrs. Maye's request to represent her," Judge Jones wrote. "Some additional consideration to her entreaty and the wisdom of representing her would have been prudent. But at the same time, we are chagrined that Plaintiffs have caused so much ink to be spilled given Fulbright's withdrawal."

STATE IMPACT PENNSYLVANIA

Corbett: Keep Local Zoning Restrictions In The Impact Fee A sizable chunk of the Senate Republican caucus is expressing concern over the possibility of local zoning restrictions in a final impact fee bill, but Governor Corbett says restricting municipalities' ability to zone drilling operations is "paramount" to Pennsylvania's economic success. In a letter obtained by StateImpact Pennsylvania, Corbett urges Senate leaders to keep local zoning restrictions in the final bill. He urges them to "balance the high regard we hold for local governance in Pennsylvania with the predictability and consistency that any business needs to grow and thrive, as well as the priority we place on the private property rights of our citizens." "Consistency" is a term the Marcellus Shale Coalition has repeatedly used, when making the argument that different zoning and regulation in different municipalities hampers drilling companies' efforts to expand. Corbett's letter comes six days before the deadline Senate President Pro Tem Joe Scarnati set for a final bill. Scarnati wants the matter settled before Corbett's budget address. He recently said negotiations are nearing a conclusion.

ERIE TIMES-NEWS

Lord Corp.'s Erie plant cleanup/redevelopment could cost \$7.9M, take until 2015 Demolishing and cleaning up the Lord Corp. manufacturing plant at West 12th Street and Greengarden Road -- a key component of the deal that kept Lord in Erie -- will not be quick or inexpensive. Costs are projected to be at least \$7.9 million, including \$3.1 million from Lord Corp. and a \$1.2 million state grant. More than \$700,000 would be spent to remove asbestos from the 14.2-acre property's buildings. Demolition costs alone carry a \$400,000 price. And the Greater Erie Industrial Development Corp., which is spearheading the project, believes the site can be cleared and ready for marketing to a developer or new business by the fall of 2015. The details were among those included in GEIDC's application for a \$1.8 million loan from Pennsylvania's "Business in Our Sites" program, which was approved by the Commonwealth Financing Authority last week. The Erie Times-News received the application's 17 pages of supporting documents from the state's Department of Community and Economic Development after requesting them. Those documents shed more light on the scope of the project, and how GEIDC -- an affiliate of the county's lead economic development agency, the Economic Development Corp. of Erie County -- wants to proceed... According to a project description included with the DCED application, "activities necessary to remediate and get the site shovel ready for redevelopment include environmental investigation activities, demolition and removal of all structures, asbestos abatement and completion of environmental remediation to (Pennsylvania) Act 2

standards." The Pennsylvania Department of Environmental Protection's Act 2 program governs environmental cleanup of former industrial sites. Specific potential environmental hazards, other than asbestos, are not mentioned in the documents provided by DCED. Kratz said additional environmental study will help determine exactly what type of cleanup is needed at the property.

ASSOCIATED PRESS (Pa.)

Pa. judge nixes papers' access to gas settlement WASHINGTON, Pa.—A judge has refused to let two newspapers see the settlement involving a western Pennsylvania family who claimed the value of its home was wiped out by natural gas drilling on neighboring properties. Stephanie and Chris Hallowich settled Aug. 23 against Range Resources and two other Marcellus Shale drilling companies after claiming related pollution also endangered their health. A Range Resources spokesman has told The Associated Press the family is selling the property and the companies will share it, but denied pollution problems. The settlement contains a gag order on the family so the Pittsburgh Post-Gazette and Observer-Reporter of Washington, Pa. sought to review it. But the Observer-Reporter (<http://bit.ly/x767Ay>) says a Washington County judge refused Tuesday, saying the papers can't intervene after the case was closed. The newspapers say a P-G reporter objected to sealing the settlement the day it was made, which should have preserved their right to intervene. O-R Editor Liz Rodgers is promising to appeal.

Pa. groundhog 'predicts' 6 more weeks of winter PUNXSUTAWNEY, Pa. — Pennsylvania's famous groundhog Punxsutawney Phil has emerged from his lair and saw his shadow, in the process predicting six more weeks of winter. But, at this rate, that might not be so bad. The groundhog made his "prediction" on Gobbler's Knob, a tiny hill in the town for which he's named about 65 miles northeast of Pittsburgh. Temperatures were near freezing when he emerged at dawn — unseasonably warm — and are forecast to climb into the mid-40s in a winter that's brought little snow and only a few notably cold days to much of the East.

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WASHINGTON, D.C.

WASHINGTON POST

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Blog: 'Gasland' director Josh Fox arrested at House hearing A year ago, Josh Fox was getting suited up for the Academy Awards. On Wednesday, he found himself in cuffs. The Oscar-nominated activist-director of the documentary "Gasland" was arrested on Capitol Hill for trying to film a hearing without proper media credentials.

Staffers say Fox declined an order by House Science, Space and Technology subcommittee chairman Rep. Andy Harris (R-Md.) to turn off his camera. “This was an act of civil disobedience, yes, done in an impromptu fashion,” said Fox in an emailed statement later. “When I was led out of the hearing room in handcuffs, John Boehner’s pledge of transparency in Congress was taken out with me.” Fox’s “Gasland” chronicled the environmental impact of natural gas drilling — he’s opposed to it — on small communities. The same topic was at hand in Wednesday’s hearing. Committee Republicans issued a statement to AP saying that Fox had failed to get credentials from the House Radio and TV Gallery — but some Democrats said they didn’t have a problem with him being there. Rep. Brad Miller (D-N.C.) told our colleague Aaron Leitko he motioned to allow Fox to keep filming, “provided there was space and that it was not disruptive,” but the measure was defeated. Harris’s office did not get back to us for comment.

Federal Diary column: Another try at fixing federal retirement system The Senate plans to scrutinize a federal retirement system that can’t get annuitants their payments on time, just as a new report provides ammunition to critics who say the system is too generous for the times. The name of Wednesday’s Homeland Security and Governmental Affairs subcommittee hearing is “Federal Retirement Processing: Ensuring Proper and Timely Payments.” The focus, at least in part, is on why the Office of Personnel Management has been unable to do that after 20 years of failed attempts. Not on the hearing’s agenda, but lurking in the background, is the Congressional Budget Office report released this week that looks at another aspect of federal retirement — the level of retirement benefits federal employees get compared with those in the private sector. The CBO estimated that “on average for workers at all levels of education, the cost of hourly benefits was 48 percent higher for federal civilian employees than for private-sector employees.” The “most important factor” in that difference “is the defined-benefit pension plan that is available to most federal employees,” the report continued. “Such plans are becoming less common in the private sector.” This finding bolsters the push of congressional Republicans to cut retirement benefits or have workers pay more for them. In December, the House approved legislation that would require current federal employees to increase their required retirement contributions by 1.5 percentage points over three years for, in some cases, reduced benefits. Employees hired starting in 2013 would pay even more for benefits that would be reduced, compared with current policy, by basing annuities on the highest five years of salary instead of the highest three, which is the practice now.

The 'game-changing' effect of shale gas Natural gas production has grown rapidly since early 2009 as a result of increased drilling in the Marcellus Shale around the Appalachian Basin, driving down the price and throwing energy markets into turmoil.

Atlantic sturgeon listed as endangered species Atlantic sturgeon, one of the most expensive and imperiled fish in the world, made it onto the endangered species list Wednesday. Once plentiful, sturgeon populations in the U.S. and across the world have plummeted since humans targeted them for their caviar. Officials at the National Oceanic and Atmospheric Administration Fisheries Service listed the New York Bight, Chesapeake Bay, Carolina and South Atlantic populations as endangered, and the Gulf of Maine population as threatened. The move could lead to new protections for the fish’s habitat along the East Coast. “Atlantic sturgeon have been teetering on the brink of extinction since they were severely depleted by fishing in the late 1800s,” said Ellen K. Pikitch, executive director of the Institute for Ocean Conservation Science at Stony Brook University. She added that now these populations will enjoy “the full force” of Endangered Species Act, “I am more optimistic than ever before that future generations will be able to see these ancient fish thriving once again off the shores of the East Coast.” Some species of American sturgeon that have declined are now making a comeback. The Tennessee Aquarium in Chattanooga has led an effort to reintroduce 115,000 lake sturgeon into the Tennessee and Cumberland rivers over the past decade. Sturgeon on those waters went extinct in the 1970s.

DELAWARE

WILMINGTON NEWS JOURNAL

3-year project tackles I-95/US 202 bottleneck It's a short stretch of roadway, but motorists have cursed it for miles -- the ramp from northbound I-95 to U.S. 202 north of Wilmington. Construction recently began at the I-95/U.S. 202 interchange, where several ramps will be widened and improved over the next three years. Through April 2013, phase one of the \$27.6-million project aims to alleviate the creeping backups on I-95 north approaching Concord Pike during morning and afternoon rush hours. Some drivers come to a complete stop on the interstate in an attempt to merge into the queue of exiting traffic. Carol Osbun of Alapocas tries to avoid the mess entirely. "We usually take the Delaware Avenue exit, and go home through the city -- Lovering Avenue to Augustine Cut-off," Osbun said. "It's faster at that time of day."

CAPE GAZETTE

Milton aims to finance water system improvements Milton — Town officials are asking residents' permission to borrow \$3.45 million to finance improvements to the public water system. Town council set a public hearing for Monday, Feb. 6, and will hold a referendum about a month later. No date has been set, but it likely won't coincide with the town election March 6. Town code states a referendum must be held between 30 and 60 days after the public hearing. "We need residents and nonresidential voters, and it would be a nightmare to try to figure that out [on Election Day]," Mayor Cliff Newlands said. Town Manager Win Abbott said the cost bring the Sussex County Department of Elections back for a referendum is relatively low. In September, the town's engineering firm, Cabe Associates, informed council the town's water storage capacity was significantly undersized. At that time, it was revealed the town needed a new water tower and water treatment facility to remedy the problem. The town's two water towers hold about 225,000 gallons. Cabe Project Manager Scott Hoffman said it is recommended that a town have storage for at least one day's worth of flow – about 280,000 gallons in Milton. A reserve of 184,000 gallons should also be available for the fire department in case of emergency.

USDA seeks to modernize poultry inspection In a shift that will save money for businesses and taxpayers while improving food safety, the U.S. Department of Agriculture's Food Safety and Inspection Service is proposing a modernization of young chicken and turkey slaughter inspection in the United States by focusing FSIS inspection resources on the areas of the poultry production system that pose the greatest risk to food safety. "The modernization plan will protect public health, improve the efficiency of poultry inspections in the U.S., and reduce spending," Agriculture Secretary Tom Vilsack said. "The new inspection system will reduce the risk of foodborne illness by focusing FSIS inspection activities on those tasks that advance our core mission of food safety. By revising current procedures and removing outdated regulatory requirements that do not help combat foodborne illness, the result will be a more efficient and effective use of taxpayer dollars." Currently, some FSIS employees in poultry establishments perform several activities which are unrelated to food safety, such as identifying visual defects like bruising, while others conduct the critical inspection activities. Under the proposed plan, all FSIS inspection activities will focus on critical food safety tasks to ensure that agency resources are tied directly to protecting public health and reducing foodborne illnesses.

WEST VIRGINIA

CHARLESTON GAZETTE

Charleston weighs hotel carbon monoxide detectors CHARLESTON, W.Va. -- One day after a carbon monoxide leak killed a man at a South Charleston hotel, some Charleston City Council members say detectors could prevent a similar tragedy here. Councilman Chris Dodrill sent emails to other council members Wednesday morning suggesting they adopt an ordinance that would require hotels and motels in the city that have gas-fueled burners to install carbon monoxide detectors. "I was watching the news last night and I was shocked to learn there is no requirement," Dodrill said.

R.I. man still in critical condition after carbon monoxide poisoning
SOUTH CHARLESTON, W.Va.-- A Rhode Island man remains in critical condition Wednesday after breathing more than 20 times the safe limit of carbon monoxide at a Corridor G hotel, police said. A swimming pool heater is apparently to blame for the leak at th...

Editorial: Tragic CO poisoning CHARLESTON, W.Va. -- Nearly everyone feels safe while checking into an attractive, modern, well-outfitted hotel like the Holiday Inn Express on Corridor G. It's horrible to realize that a fluke malfunction can turn the secure accommodation into a deathtrap. Tuesday's rare carbon monoxide tragedy at the hostelry was horrifying -- cruelly for the victims, but also for everyone who stays overnight during travels. This sad incident should spur the Legislature and local health authorities to mandate CO detectors everywhere. Although such deaths are a one-in-a-million occurrence, the remote risk should be eliminated by warning devices. Then travelers can rest easier. Several out-of-state construction workers were staying at the motel. When some didn't show up for a morning meeting, two others were sent to investigate. But they didn't return. Soon, it was discovered that they all had been felled by the insidious, colorless, odorless, undetectable gas -- apparently leaking from faulty vents of a swimming pool heater. One worker died, another is in critical condition, and more were sickened.

CHARLESTON DAILY MAIL

Editorial: The CO2 argument is definitely not over It turns out not all scientists agree with global warming alarmism. Americans have been lectured repeatedly that "the argument is over" about global warming — that nearly all scientists agree that something dramatic must be done to stop it. This claim is the underpinning for proposals to impose huge taxes on Americans' energy consumption. But not all scientists agree that the argument is over. On Jan. 27, the Wall Street Journal published a piece headlined "No Need to Panic About Global Warming: There's no compelling scientific argument for drastic action to 'decarbonize' the world's economy." It was signed by 16 well-recognized scientists who do not think extreme measures are necessary. They say, for example, that: n There's been no warming for more than a decade, suggesting that computer models have "greatly exaggerated" how much warming higher levels of CO2 can cause. This accounts for the shift from warnings about warming to ascribing any weather weirdness to CO2.

WHEELING INTELLIGENCER

Probst: Site Has 'Cracker' Potential BRIDGEPORT - Somewhere between Powhatan Point and Bridgeport, officials with Royal Dutch Shell are exploring a possible site to locate the company's ethane cracker, according to Belmont County Commissioner Chuck Probst. "This is a huge deal - it is too big for me to be more specific than that or comment any more," said Probst. "We are just fortunate to have the highway, rail and river access needed to even be in the running for something like this. "This oil and gas development is going to totally change the face of Belmont County," he added. "It is really amazing to think of the possibilities."

BLUEFIELD DAILY TELEGRAPH

Smith ousted: Sanitary Board removes executive directorBLUEFIELD — The Sanitary Board of Bluefield met in public session Tuesday night, adjourned into executive session and emerged some time later to announce that Wilbur “Will” Smith, had been “removed as executive director of the Sanitary Board,” according to Andy Merriman, chairman of the Sanitary Board, and Bluefield city manager. “I’m serving as director as a stop-gap measure until we can select an interim director to serve as we search for a new executive director,” Merriman said. He declined to discuss anything said in the executive session as to a reason for Smith’s removal. Smith gave “no comment,” in response to a question about the developments...
The two-state sanitary board has faced numerous challenges through the years including a persistent infiltration and inflow problem due to an antiquated collection system that created treatment challenges at the Westside Sewage Treatment facility. During his first year, Smith was successful in obtaining federal infrastructure grants to make some system improvements, but a dramatic decline in revenues brought about as a result of several factors including the closing of local plants that were substantial customers of the system, enhanced the system’s financial woes.

ASSOCIATED PRESS (W. Va.)

State sees changes on USDA grow map MORGANTOWN, W.Va. -- West Virginia gardeners may be tempted to try some new varieties this growing season, based on the U.S. Department of Agriculture's just-released growing map. The so-called Plant Hardiness Zone Map is a breakdown of annual minimum temperature averages that occur in a region over several decades. The new growing map is the first update in more than 20 years. West Virginia University extension agent John Porter said while the changes are small, the southern portion of the state could provide conditions for new varieties of flowers or vegetables. For instance, the Kanawha County agent says he has been growing a plant used to make black and green teas in China. His property falls in what the USDA calls Zone 7a on the grow map.

45 deer killed in Morgantown hunt MORGANTOWN, W.Va. -- Hunters killed 45 deer during Morgantown's first urban archery hunt. Monongalia County Deer Control Committee chairman Rick Bebout says 21 deer were donated to local food banks. Bebout says there weren't any hunting-related incidents...

MARYLAND

BALTIMORE SUN

County Council member Lehman, Del. Frush pushing for disposable ... Laurel's County Council member Mary Lehman and state Del. Barbara Frush are pushing for a law that would require Prince George's County shoppers to pay a fee for disposable bags. Both lawmakers, who are Democrats, say the bag fee is an environmental initiative aimed to reduce the use of disposable bags, which are not often properly recycled and end up as litter. "To me, if we get to enact this fee, we will be successful if we collect no revenue at all," Lehman said. The fee would have to be approved by the Prince George's County Council, but before the council can take up the issue, the state has to pass enabling legislation. Frush, who chairs the House Environment Subcommittee, and Prince George's County Democrat Sen. Paul Pinsky are sponsoring the enabling legislation, which is currently awaiting a vote from the Prince George's County delegation's County Affairs Committee. If it gets approval from the committee and then the entire delegation, the bill is expected to be given local courtesy and pass through the General Assembly. This is not the first year in which Lehman and Frush are pushing the legislation. Last year, enabling legislation to allow Prince George's County to enact a bag fee passed through the Senate but died in the House because it was filed late and did not have the opportunity to go through the normal public vetting process.

Blog: O'Malley calls for jobs spending, 'human dignity'... But O'Malley warned that generating jobs, improving transportation and cleaning up the *Chesapeake Bay* will require additional revenue in the form of taxes ...

SALISBURY DAILY TIMES

Congressman Harris targets fracking report WASHINGTON -- Republican Rep. Andy Harris of Maryland is challenging the Environmental Protection Agency's assertion that a process used to extract gas and oil from shale may pollute groundwater. The issue is important to Harris, who supports hydraulic fracturing -- or fracking -- in the Marcellus Shale formation in western Maryland. "Natural gas is very important to our energy future and energy independence in the United States," Harris, who chairs the House Science, Space and Technology Subcommittee on Energy and the Environment, said during a Monday interview. "The bias of the EPA against hydro-fracturing I think came out in the report on the Wyoming site. It's highly disputed and we need to get to the facts and the basis for the EPA's report." Harris chaired a House subcommittee hearing Wednesday to examine recent EPA findings that compounds likely associated with chemicals used in hydraulic fracturing were detected in groundwater beneath Pavillion, Wyo. Residents said their well water reeks of chemicals, and health officials in 2010 advised them not to drink it after the EPA found low levels of hydrocarbons in the wells. The EPA retested public and private drinking water wells and found the same chemicals. Wednesday's hearing was marked by the arrest of filmmaker Joshua Fox

of Pennsylvania, who was led out of the hearing room in handcuffs and charged with unlawful entry after trying to film the proceedings without media credentials. Fox directed the anti-drilling documentary "Gasland," which was nominated for an Oscar last year. He is an activist who has spoken out against hydraulic fracturing.

CUMBERLAND TIMES-NEWS

Beitzel's bay cleanup bill hearing set CUMBERLAND — A bill that would amend the state constitution and require funds designated for Chesapeake Bay cleanup to be actually used for that purpose will go to hearing Tuesday in the House Appropriations Committee. House Bill 121, sponsored by Delegate Wendell Beitzel, is partly motivated by his frustration with proposed increases in the flush tax and regulations related to bay cleanup efforts. "The Chesapeake Bay is a state treasure that needs to be protected, and the citizens of the state are paying to 'save the bay.' Therefore, the dedicated funds entrusted to the state need to be restricted for their intended purpose," said Beitzel. Beitzel said the Chesapeake Bay Restoration Fund was established in 2004 for the purpose of providing funds for Chesapeake Bay cleanup, wastewater treatment plant upgrades, cover crop funds and septic system upgrades. That fund has been raided often, Beitzel said. During the 2011 session, Gov. Martin O'Malley's budget transferred \$290 million from the Bay Restoration Fund and the Chesapeake & Atlantic Coastal Bays 2010 Trust Fund into the general fund, he said.

EASTON STAR DEMOCRAT

GOP: Marylanders pay too much now ANNAPOLIS In the official Republican response to Wednesday's State of the State address, state Sen. E.J. Pipkin took the governor and Democrats to task for turning Maryland into one of the most heavily taxed states in the nation. Gov. Martin O'Malley gave his sixth State of the State address at noon and in his remarks spoke about capping income tax deductions and phasing out some exemptions for higher earners, applying the sales tax to gas and increasing the flush tax. The state budget continues to have a deficit of about \$1 billion and O'Malley hopes the tax increases will help reduce that, while also achieving core goals of job creation, infrastructure maintenance and improving the health of the Chesapeake Bay. "The state of this state is that it is heavily taxed, and these taxes are job-killers," Pipkin, R-36-Upper Shore, and the Senate minority leader, said.

Matapeake Elementary evacuated Stevensville - Matapeake Elementary School was evacuated around 10 a.m. today due a transformer issue, according to scanner reports. An emergency call went out to surrounding volunteer fire companies, including one across the Chesapeake Bay, to investigate an odor of smoke reported at the Kent Island school. Responders at the scene reported no fire evident, and further investigation of the issue revealed the smell was due to a faulty transformer.

ASSOCIATED PRESS (Md.)

Offshore wind announcement today to target Va., Del., Md., N.J. BALTIMORE _ Interior Secretary Ken Salazar is heading to Baltimore to announce what department officials say is a major step toward developing wind energy off the coasts of Maryland, Delaware, Virginia, and New Jersey. Details of today's announcement were not released, but Salazar said in a speech to the American Wind Energy Association in October that the agency had nearly completed environmental impact assessments for the nation's second offshore wind power lease. Those plans hit a snag late last year when NRG Energy said it had ended a contract with Delmarva Power because of financing problems at its Bluewater Wind subsidiary. The Mid-Atlantic lease proposal follows the Cape Wind project in Massachusetts that was given the go-ahead in 2010 after years of federal review. That project is still in development.

VIRGINIA

RICHMOND TIMES-DISPATCH

Atlantic sturgeon to get protection Atlantic sturgeon in the Chesapeake Bay and elsewhere will be designated an endangered species, federal regulators announced Tuesday. Effective April 6, the listing will provide greater protection for the dinosaur-like fish and may add irksome regulations for the commercial fishing industry. It has been illegal since 1998 to catch sturgeon in waters from Maine to Florida. But an environmental group, the Natural Resources Defense Council, asked the government in 2009 to further protect the fish under the Endangered Species Act.

Quake disaster recovery centers in Louisa, Spotsylvania to close Authorities are preparing to close disaster recovery centers that were opened in Louisa and Spotsylvania counties following the Aug. 23 earthquake. Authorities this morning said the recovery centers at 520 E. Main St. in Louisa and 8960 Courthouse Road in Spotsylvania will close at 6 p.m. on Saturday, Feb. 11. One-on-one assistance is still available. Those seeking assistance may continue to speak with disaster specialists to register and to check the status of their application by calling the toll-free registration number at (800) 621-FEMA (3362) or TTY at (800) 462-7585; if you use 711-Relay or Video Relay Service (VRS) call (800) 621-3362 or go online to www.DisasterAssistance.gov. Phone lines are open 7 a.m.-10 p.m., seven days a week, or apply online anytime at www.fema.gov. Deadline to register for assistance is March 5.

Federal funds to add 300+ acres to Richmond battlefield park Richmond National Battlefield Park has a Civil War story just as important as Gettysburg, in the eyes of Superintendent David Ruth, and now it's \$4 million closer to generating Gettysburg-level attention. Secretary of the Interior Ken Salazar on Wednesday announced a \$4 million grant from the U.S. Land and Water Conservation Fund at Glendale National Cemetery, site of the sixth of the Seven Days Battles that protected Richmond from capture in 1862. The money will allow the park to add more than 300 acres to the Glendale property on Willis Church Road near state Route 5 east of Richmond. The land has been preserved by the Civil War Trust, whose president, James Lighthizer, said he recalled visiting the site as a student when only a single acre was preserved at Malvern Hill and at Glendale.

NORFOLK VIRGINIAN PILOT

Rigell steps up pressure to allow offshore drilling Virginia lawmakers in Washington again are pushing for oil and natural gas drilling off the state's coast, especially after President Barack Obama announced he wants more domestic production of fossil fuels on land and beneath the Gulf of Mexico. U.S. Rep. Scott Rigell, R-Virginia Beach, intends to introduce legislation this week that would force the Department of the Interior to sell leases to energy companies wanting to drill for oil and gas at least 50 miles off the Virginia coast. The bill calls for leasing to begin within one year of passage. Last year, after the record Deepwater Horizon oil spill off the Gulf coast, Obama canceled plans for offshore drilling on the Outer Continental Shelf off Virginia. The move was applauded by environmentalists worried about potential spills but was criticized by Gov. Bob McDonnell and most Virginia legislators on Capitol Hill eager to create jobs and spur economic activity. Rigell's bill is similar to one proposed last summer by Virginia's U.S. senators, Jim Webb and Mark Warner, a measure that remains bogged down in the Senate Committee on Energy and Natural Resources. The two Democrats last week sent a letter to Interior Secretary Ken Salazar, urging him to include Virginia in the latest plans for offshore drilling leases during 2012-2017. Both bills seek more royalties for Virginia than the current revenue-sharing plan in Congress, which gives all the money to the federal government. Half the proceeds would go to Virginia, according to the bills, with a portion set aside for environmental programs.

Warm weather brings whales closer to Va. Beach shores VIRGINIA BEACH -- Just off the sand of the resort strip, dark giants cruise the waters in unheard-of numbers. They're here because of the weather. An unusually mild winter has led to warmer-than-normal water temperatures, which prompted the bait fish to stick around, which attracted our bus-sized visitors – the humpback whales. We've seen them before. Just not so many. "This season is epic," said Jeff Parks, who captains a whale watching tour out of Rudee Inlet. "I've been doing this for 30 years and I've never seen anything like it." Once hit-or-miss, the tours, led each winter by the Virginia Aquarium & Marine

Science Center, are finding whales at every outing. "We've seen them in 8 feet of water right next to the beach," said Mark Jennings, an aquarium tour guide. "There's so much whale noise out here that a sub coming in the other day had to stop and listen to try to sort it all out." The Navy doesn't comment on submarine operations, but over the weekend, humpbacks were leaping like dolphins in and around the heavily travelled shipping lanes. More than 30 individual whales have been identified in the area this year. A typical winter brings five or six. On Sunday, humpbacks were threading between fishing boats trolling for rockfish near the mouth of the Chesapeake Bay. On Parks' boat, jaws dropped as dorsal fins broke the surface and water streamed off massive, rolling backs. "This is amazing," gasped Carmel Saucer, who was on board with her husband, Ken, and 13-year-old son, Austin. "We've lived here for 20 years and this is the first time we've done this. Why is it that you never go see the things close to home that other people come so far to see?"

NEWPORT NEWS DAILY PRESS

Temperatures well above average in Hampton Roads, rest of Virginia NEWPORT NEWS — Dwight Shoe spends most February mornings inside his house reading the newspaper. On Wednesday — with the temperature nearing 70 degrees — he decided to do some yardwork. "It's mighty nice to be out here this time of year in shirt-sleeves raking," he said, standing amid a pile of brown leaves in the city's Hilton neighborhood. Spring doesn't officially arrive until March 20, but you wouldn't think so in Hampton Roads and the rest of the state. Trees are budding, birds are chirping and, believe or not, insects are hatching during what's been one of the mildest winters in recent memory. According to the National Weather Service, the average January temperature in Hampton Roads was 47.2 degrees, almost 7 degrees above normal. December was similar — the thermometer was 6.2 degrees above average.

ROANOKE TIMES

44-acre public park proposed again for Prices Fork area - www.roanoke.com PRICES FORK - The coal pits have largely vanished along the road that carried wagons to the Price family grist mill. There is no trace of the mill anymore, and the road itself is hard to spot in places, hidden beneath piles of fallen brush. But the wooded mountainsides are little changed above Stroubles Creek. And tall grass and sycamores have not completely overtaken fields once farmed by Harvey Price, the longest-serving agriculture school dean in Virginia Tech history. Price's granddaughter wants 44 acres of this land to become a public park for the community that bears her family's name. The Montgomery County Board of Supervisors will soon be asked again to accept the land as a donation, said two board members of the Friends of the Rivers of Virginia, a conservation group that now owns the property. In August 2010, Anne Price Yates offered to give part of her grandfather's farm to the county for a park. Supervisors, who were in the midst of deciding to build new high schools in Blacksburg and Riner and to renovate Auburn Middle School, declined, saying they had no money to develop or maintain it. Last December, Yates, who lives in Oregon, donated the property to the Friends of the Rivers of Virginia with the condition that it be maintained as public land. Now the rivers group is taking up Yates' effort to convert it to a park. Bill Tanger, chairman of the rivers group's board, and Randi Lemmon, another board member, said this week that they have been contacting county officials to relay information about the proposal. They hope to make a formal presentation to supervisors this month. The key, as they see it, is that the county won't have to spend much on the park.

STAUNTON NEWS LEADER

Bristling local governments oblige state in Chesapeake Bay cleanup effort Some Virginia counties and cities scrambled to meet Wednesday's state deadline for plans outlining efforts to clean up Chesapeake Bay, citing a lack of resources and uncertainty about what state officials want. Local governments had to submit their plans to help Virginia hit targets the U.S. Environmental Protection Agency set for reducing the flow of phosphorous, nitrogen and sediment into the bay. Virginia has until March 30 to complete a statewide plan to meet their bay cleanup obligations by 2025, including meeting two-year pollution reduction benchmarks — a plan known as the Phase Two Watershed Implementation Plan. "Not many localities know what the expectations are. That's one of the confusions that's still out there," said Bath County Administrator Matt Walker. "It's difficult to come up with a plan when you don't know what the expectations are." "We have been working with local governments since well back into the summer and into the spring, but in the middle of it was a lot of discussion with the EPA," said Virginia

Department of Conservation and Recreation spokesman Gary Waugh. "There's been some confusion there in all honesty." DCR renewed an earlier request for help from local governments in November, asking for a draft plan that included what has been done to reduce water pollution already and what more can be done and what resources will be needed going forward, Waugh said.

LYNCHBURG NEWS AND ADVANCE

Land owners can enroll in four-week conservation program Landowners can enroll in the U.S. Department of Agriculture's four-week Conservation Reserve Program between March 12 and April 6. CRP is a voluntary program that helps agricultural producers plant long-term, resource conserving covers to improve the quality of water, control soil erosion and develop wildlife habitat. CRP contributes to national efforts to improve water and air quality, prevents soil erosion and has helped increase populations of pheasants, quail, ducks and other rare species. For more information contact the USDA at (202) 720-7163.

Organic growers can apply for partial reimbursement Organic growers and producers can apply for partial reimbursement to offset organic certification costs, the Virginia Department of Agriculture and Consumer Services announced Tuesday. The federal bill allows for reimbursement of 75 percent of the certification cost up to \$750 per applicant. Funds are available on a "first come, first served" basis for the production year ending Sept. 30, 2012, according to the department. Growers and producers can direct questions to Kent Lewis at kent.lewis@vdacs.virginia.gov or call (804) 786-7686.

CHARLOTTESVILLE DAILY PROGRESS

County looks to strategic plan Albemarle Supervisor Kenneth C. Boyd told county staff he'd like the Board of Supervisors to get more frequent updates on capital improvement plan projects during an update on the county's strategic plan Wednesday. The board also asked county staff to look into adding the county's PhotoSafe red-light camera system to more intersections. Boyd said he was particularly interested in hearing more detailed reports on value engineering for CIP projects.

MISCELLANEOUS

BLOOMBERG NEWS SERVICE

U.S. EPA Says New Data Motivated More Testing of Dimock Wells The U.S. was "compelled to intervene" and test water in Dimock, Pennsylvania, after data from Cabot Oil & Gas Corp. showed hazardous substances in drinking-water sources, the Environmental Protection Administration said. The explanation was in a Jan. 31 letter from Mathy Stanislaus, EPA assistant administrator for solid waste and emergency response, and Shawn Garvin, an agency regional administrator, to Dan Dinges, Cabot's chief executive officer. Dinges had said the EPA's decision to test 60 wells and provide water to four homes in the area caused confusion and undercut President Barack Obama's stated commitment to natural-gas drilling. "We did not take this step lightly but felt compelled to intervene when we became aware of monitoring data, developed largely by Cabot, indicating the presence of several hazardous substances in drinking-water samples, including some at levels of health concern," according to the letter, which the EPA provided to Bloomberg News. "Our actions have been only guided by science." Garvin and Stanislaus said the data available is "incomplete and of uncertain quality," warranting further testing. Dimock residents claim that hydraulic fracturing, or fracking, by Cabot (COG) polluted their water wells and have sued the Houston-based company in federal court. Cabot disputes the allegations. The drilling technique involves injecting millions of gallons of chemically treated water underground to shatter rock and let gas flow. In a Jan. 26 letter to the EPA, Dinges said the agency had presented "no credible evidence to suggest that its new sampling initiative is a wise use of resources." Cabot had provided more than 10,000 pages of data based on testing at more than 2,000 wells in the Dimock area, Dinges said. Later, in a statement, the company said the information that prompted the EPA's review doesn't "accurately represent the water quality." On Dec. 6, 2011, residents presented additional

information to the agency, including results from Cabot testing, that “warranted further evaluation of the situation,” Garvin and Stanislaus wrote. They said the EPA operated as a critical backstop to state oversight and would use its authority “prudently and sparingly.”

Ohio tries to avoid being dumping ground for fracking fluid The millions of gallons of chemical-laced wastewater that fracking produces must flow somewhere, and Ohio is trying not to be that place. The oil and natural-gas drilling boom spurred more permits for disposal wells there during the past two years than during the previous decade combined. The volume injected into them was on a near-record pace last year, according to the Department of Natural Resources, and more than half was from out of state. That included 92.6 percent of the water sent to a Youngstown well closed last year after 11 nearby earthquakes. “We have become in Ohio the dumping ground for contaminated brine,” state Representative Armond Budish, the House Democratic leader, said at a Jan. 26 forum in Columbus. “We didn’t prepare adequately for the potential for earthquakes and other environmental problems.” Now, Ohio is considering tightening regulations governing wells in response to the temblors and seeking to stem out-of-state fluid shipments. It’s an example of the challenges U.S. states face as they try to enjoy hydraulic fracturing’s economic boost while avoiding its side effects.

Republicans Criticize U.S. EPA Research on Fracking in Wyoming The U.S. Environmental Protection Agency released 622 documents related to its study of water contamination tied to hydraulic fracturing in Pavillion, Wyoming, as Republican lawmakers criticized the findings. The discussion over Wyoming took place in a Capitol Hill building where Josh Fox, the maker of the anti-fracking documentary “Gasland,” was arrested before the hearing began. Fox was trying to record the hearing, which the committee Republican leadership said requires prior accreditation. The EPA documents include sampling data and raw findings from laboratories. The agency also said that results from the study, which found elevated levels of benzene and said the chemicals found were consistent with those used in fracking, shouldn’t be used to judge the safety of fracking in Pennsylvania or other states on the Marcellus Shale formation, where the geography is different. “Our analysis is limited to the particular geologic conditions in the Pavillion gas field,” Jim Martin, the EPA administrator for the region that covers Wyoming, testified today at a subcommittee hearing of the House Science Committee.

BNA DAILY ENVIRONMENT REPORT

House Committee Backs Bills to Expand Oil, Natural Gas Development The House Natural Resources Committee approves three energy bills that would expand U.S. oil and natural gas development and use the anticipated revenue stream to help finance the House Republican’s version of a long-term transportation reauthorization plan. The three bills, approved largely on party-line votes, would expand offshore oil and gas leasing, open the Arctic National Wildlife Refuge coastal plain to exploration, and promote oil shale development in the West. Committee Chairman Hastings says the Republican leadership’s plan to link energy production with highway and infrastructure financing is “a vastly different approach from what we’ve seen from the Obama administration and the previous Democrat-run Congress.”

EPA Takes Heat for Draft Report Linking Water Contamination to Fracking An EPA draft report on water contamination in Pavillion, Wyo., does not appear to support its own tentative, much-publicized conclusion about a “likely” link to hydraulic fracturing, according to critics at a congressional hearing. The criticism at the hearing of the House Science, Space, and Technology Subcommittee on Energy and Environment includes suggestions that EPA’s two monitoring wells in the Pavillion natural gas field may have been drilled to the wrong depth, in the wrong locations, and may have been contaminated by the agency’s own operation. EPA Region 8 Administrator Jim Martin says the study will go through a peer review to examine possible flaws in the draft, which was released in December.

EPA to Tighten Air Toxics Rules for Chromium Electroplating Facilities EPA proposes to tighten chromium emissions limits from chromium electroplating facilities. The agency also intends to reduce chlorine emissions from steel pickling facilities by no longer allowing hydrochloric acid regeneration plants to establish an alternative, site-

specific chlorine concentration standard. The proposal is expected to reduce hexavalent chromium emissions by 208 pounds per year and chlorine emissions by 15 tons per year, according to EPA.

EPA Close to Releasing Draft Strategy to Improve Risk Assessments EPA soon will release a proposed strategy for improving risk assessments, Julie Fitzpatrick, senior human health science coordinator for EPA's Risk Assessment Forum, tells the winter meeting of the Toxicology Forum. The strategy is one of several initiatives the agency is working on in response to recommendations in the 2009 National Research Council report, *Science and Decisions: Advancing Risk Assessment*. EPA will release the strategy for public comment and peer review. The report urged EPA to focus more attention on preparations for its risk analyses to make the resulting analyses more relevant to subsequent decisions needing to be made

EPA Plans to Finalize Recreational Water Quality Criteria by October EPA plans to finalize water quality criteria for recreational waters in October and is considering increasing the frequency of recommended water sampling and specifying the method for calculating bacterial levels, according to an agency official. Proposed in December 2011, the criteria include indicator levels for fecal bacteria in fresh water and marine waters designated for swimming, water skiing, and other recreational uses, according to Sharon Nappier, an environmental scientist in the Health and Ecological Criteria Division of EPA's Office of Water, who spoke at a webinar.

Transport Bill Would Streamline NEPA Review, Address Hazmat Programs

The House Transportation and Infrastructure Committee today marks up a transportation reauthorization bill that Republican sponsors say will streamline the environmental review process for new construction projects under the National Environmental Policy Act. The American Energy & Infrastructure Jobs Act (H.R. 7) would impose new timetables on the environmental review process for transportation projects and give states broader authority to exempt projects from analysis.

USA TODAY

'GasLand' filmmaker arrested at House hearing The director of the Oscar-nominated anti-"fracking" documentary *GasLand* was arrested at a House hearing on hydraulic fracturing because he did not have media credentials, according to news reports from Capitol Hill. Joshua Fox, of Milanville, Pa., was charged with lawful entry. He is working on a sequel to *GasLand* and was setting up to film the House Science, Space and Technology subcommittee on energy and the environment hearing, which was examining the science behind the Environmental Protection Agency's draft report about possible water contamination from natural gas drilling in Pavillion, Wyo., involving hydraulic fracturing, or fracking. As he was led away in handcuffs, Fox shouted, "I'm within my First Amendment rights, and I'm being taken out," *Politico* reports. An ABC News crew was also turned away from the hearing, titled "Fractured Science — Examining EPA's Approach to Ground Water Research: The Pavillion Analysis." The committee recessed for 30 minutes after Rep. Brad Miller (D-N.C.) asked to suspend the committee rules and allow Fox and the ABC crew to film the hearing. When it returned, the committee tabled Miller's motions, *Politico* says. In a statement, committee Republicans said their rules state, "Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries." They added that Fox "was not accredited by the House Radio and TV Gallery and had refused to turn off his camera upon request by Capitol Police." The Western Energy Alliance, which lobbies for the oil-and-gas industry, has challenged what it calls "deficiencies" in the EPA's initial findings, which were raised by the state of Wyoming. One of its executives testified at today's hearing.

ASSOCIATED PRESS

Oscar nominated filmmaker Joshua Fox arrested at House hearing, lacked credentials WASHINGTON — An Oscar-nominated documentary filmmaker was arrested at a House hearing Wednesday after trying to film the proceedings without the required media credentials. Joshua Fox of Milanville, Pa., was led out of the room in handcuffs and charged by Capitol Police with unlawful entry. He was released later by the Capitol Police with a misdemeanor citation for, in his words, "practicing journalism," The New York Times reported. He said he did not

have to pay a fine or post bail. A court date was set for Feb. 15. Fox directed the anti-drilling documentary "Gasland," which was nominated last year for an Oscar. Fox also is an activist who has spoken out against hydraulic fracturing, or fracking, which was the subject of the House Science, Space and Technology subcommittee hearing.

PRESS OF ATLANTIC CITY

EPA head Lisa Jackson to speak at Stockton Energy Symposium on Feb. 22 Environmental Protection Agency Administrator and former state Dept. of Environmental Protection Commissioner Lisa Jackson will be the keynote speaker for an energy symposium February 22 to be held at Stockton College. The symposium is sponsored by the William J. Hughes Center for Public Policy. The symposium's theme, "Energy 40/40" ties into the college's 40th anniversary. Speakers will use that theme to look at the past 40 years of energy history as well as examine energy themes and topics for 40 years in the future, the college said in a news release.